

Town Board Minutes

May 17, 2010

Meeting No. 14

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 17th day of May 2010 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
MARK AQUINO, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
JEFFREY SIMME, CODE ENFORCEMENT OFFICER
TIMOTHY MURPHY, POLICE CAPTAIN
TERRENCE McCracken, GENERAL CREW CHIEF
LOUIS CACCIOTTI, DEPUTY HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

AT 8:58 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER AQUINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing contractual matters.

At 9:31 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Beutler, Daniel, spoke to the Town Board on the following matters:

- Bidding for Police vehicles.
- Proposed rezone of property north of William Street at Transit Road.

Chowaniec, Lee, spoke to the Town Board on the following matter:

- Survey of Northwood residents regarding use of property north of William Street at Transit Road

Fronczak, Mike, spoke to the Town Board on the following matters:

- Lancaster Rural Cemetery upkeep.
- Change Order for Aurora Plumbing regarding Town Hall Expansion.
- Proposed Rezone of property north of William Street at Transit Road.

Symer, Donald, spoke to the Town Board on the following matter:

- Lancaster Rural Cemetery finances.

Lynn McCarthy, spoke to the Town Board on the following matters:

- Proposed rezone of property north of William Street at Transit Road.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a Local Law for the Year 2010, entitled “Sidewalks and Streets Revision”.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

Proponent/ NAME OF PERSONS ADDRESSING THE BOARD ON THIS SUBJECT	Opponent/ Comments/Questions
Mike Fronczak	Comments/Questions
Dan Beutler	Comments

ON MOTION BY COUNCIL MEMBER RUFFINO , SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the public hearing was closed at 8:38 P.M.

Decision on this matter was reserved.

May 17, 2010

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
May 3, 2010 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	ABSTAINED
SUPERVISOR GIZA	VOTED YES

May 17, 2010

File: RMIN (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER RUFFINO, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 13642 to Claim No. 13874 Inclusive

Total amount hereby authorized to be paid: \$800,373.58

The question of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
 BY COUNCIL MEMBER STEMPIAK, WHO
 MOVED ITS ADOPTION, SECONDED BY
 COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
 (CSW) = Conditional sidewalk waiver
 (V/L) = Village of Lancaster

PREVIOUSLY TABLED PERMITS:

16415	Grau Builders	11 Logan Ln	Er. Dwlg.-Sin.
16993	Grau Builders	24 Logan Ln	Er. Dwlg.-Sin.

NEW PERMITS:

17915	Sahlem's Roofing	47 Hemlock Ln	Re-Roof
17916	Duro Shed Inc	83 Sturm St	Er. Shed (V/L)
17917	Steve's Home Improvements	82 Brunck Rd	Re-Roof
17918	MJ Peterson/Tucker	39 Worthington Ln	Er. Dwlg.-Sin.
17919	Buscaglia Decks	22 Old Schoolhouse Rd	Er. Deck
17920	Good Neighbor Fence	25 Woodlawn Ave	Er. Fence (V/L)
17921	Proline Tools	107 Michael's Walk	Er. Pool-Abv Grnd
17922	Genovese, Anthony	107 Michael's Walk	Er. Fence
17923	Just Barns	679 Ransom Rd	Re-Roof
17924	Duro Shed Inc	16 Regency Ct	Er. Shed
17925	Colley's Pool Sales	8 Greenbriar Dr	Er. Fence
17926	Colley's Pool Sales	8 Greenbriar Dr	Er. Pool-In Grnd
17927	Zenner & Ritter Inc	113 Norris Ave	Inst. Generator (V/L)
17928	Maryanski, Thomas	8 Livingston St	Er. Fence (V/L)
17929	Harrington, Kitty	42 Pleasant View Dr	Er. Pool-Abv Grnd
17930	Forbes Homes	35 Sawgrass Ln	Er. Dwlg.-Sin.
17931	Forbes Homes	9 Muirfield Ln	Er. Dwlg.-Sin.
17932	Armor Fence Co	28 Chicory Ln	Er. Fence
17933	Duro Shed Inc	30 Rose St	Er. Shed
17934	Neth & Son Inc	17 Grace Way	Re-Roof
17935	Frank's Commercial	31 Newell Ave	Repl. Basement Wall(V/L)
17936	Cefali, Roman	3 Field Ave	Re-Roof (V/L)
17937	Marrano/Marc Equity	66 Hanover St	Er. Townhouses
17938	Marrano/Marc Equity	68 Hanover St	Er. Townhouses
17939	Marrano/Marc Equity	70 Hanover St	Er. Townhouses
17940	Marrano/Marc Equity	72 Hanover St	Er. Townhouses
17941	Marrano/Marc Equity	10 Hanover St	Er. Townhouses
17942	Walter, Joseph	166 Peppermint Rd	Er. Dwlg.-Sin.
17943	Marrano/Marc Equity	12 Hanover St	Er. Townhouses
17944	Marrano/Marc Equity	14 Hanover St	Er. Townhouses
17945	Marrano/Marc Equity	16 Hanover St	Er. Townhouses
17946	Marrano/Marc Equity	18 Hanover St	Er. Townhouses
17947	Marrano/Marc Equity	20 Hanover St	Er. Townhouses
17948	Superior Decks	18 Red Clover Ln	Er. Deck
17949	Alco Signs	6635 Transit Rd	Er. Sign
17950	Herrington, Earl	208 Schwartz Rd	Inst. Generator
17951	Fix, Richard	37 Sagebrush Ln	Er. Pool-Abv Grnd
17952	Duro Shed Inc	15 Didion Rd	Er. Shed
17953	Schuster Construction	77 Michael's Walk	Er. Res. Add.
17954	Iroquois Fence Co	30 Hemlock Ln	Er. Fence
17955	Pacific Pools	28 Chicory Ln	Er. Pool-In Grnd
17956	Iroquois Fence Inc	63 Stutzman Rd	Er. Fence
17957	CEL Construction	5 Katelyn Ln	Er. Deck

17958	Randaccio Builders	9 Worthington Ln	Er. Dwlg.-Sin.	
17959	Guardian Fence	71 Fifth Ave	Er. Fence	(V/L)
17960	Duro Shed Inc	46 Pheasant Run Ln	Er. Shed	
17961	Colley's Pool Sales	15 Greenbriar Dr	Er. Pool-In Grnd	
17962	Colley's Pool Sales	15 Greenbriar Dr	Er. Fence	
17963	Colley's Pools	73 Old Post Rd	Er. Pool-In Grnd	
17964	Neth & Son Inc	9 Wren Ave	Re-Roof	(V/L)
17965	Sun Enterprises	14 Oakwood Comm	Er. Shed	
17966	Majestic Pools	10 Fox Trace	Er. Pool-Abv Grnd	
17967	Genovese, Anthony	107 Michael's Walk	Er. Deck	
17968	PJK Roofing	39 Linden Ave	Re-Roof	(V/L)
17969	Beauty Pools	36 Sawgrass Ln	Er. Pool-In Grnd	
17970	Beauty Pools	36 Sawgrass Ln	Er. Fence	
17971	Superior Decks	2 Quail Run Ln	Er. Deck	
17972	F&D Construction	475 Schwartz Rd	Er. Garage	
17973	Jeroszko, Jason	23 Rose St	Er. Shed	
17974	Sebastiano, Michael	7 Dover Ct	Er. Deck	
17975	Ertl, Peter	33 Summerfield Dr	Er. Deck	
17976	Cafferty, Evan	10 Fox Trace	Er. Deck	
17977	Fix, Richard	2 Quail Run Ln	Er. Pool-Abv Grnd	
17978	Sahlem's Roofing	44 Signal Dr	Re-Roof	
17979	Sahlem's Roofing	26 Gale Dr	Re-Roof	
17980	Grau Builders	6 Logan Ln	Er. Dwlg.-Sin.	
17981	Fix, Richard	4 Lake Forest Pky W	Er. Pool-Abv Grnd	
17982	Duro Shed Inc	10 Ryan St	Er. Shed	
17983	Good Neighbor Fence	33 Stephens Ct	Er. Fence	(V/L)
17984	Glamour Pools	6291 Genesee St	Er. Pool-In Grnd	
17985	Glamour Pools	6291 Genesee St	Er. Fence	
17986	The Pool Guy	61 Village View	Er. Pool-Abv Grnd	
17987	Peters, Norman	10 Highland Pl	Er. Shed	(V/L)
17988	Aqua Systems Of WNY	24 Logan Ln	Inst. Sprinklers	
17989	Aqua Systems Of WNY	26 Logan Ln	Inst. Sprinklers	
17990	Aqua Systems Of WNY	29 Logan Ln	Inst. Sprinklers	
17991	McCarthy, Kevin	84 Stony Brook Dr	Er. Pool-Abv Grnd	
17992	D'Amico Home Imprv	149 Stony Rd	Dem. Garage	
17993	D'Amico Home Imprv	149 Stony Rd	Er. Garage	
17994	Haensly, Gary	569 Lake Ave	Re-Roof	
17995	Leveled Contracting	15 Maple Dr	Re-Roof	
17996	Kerr, Jason	235 Lake Ave	Re-Roof	(V/L)
17997	The Maple Guy	7 Sagebrush Ln	Re-Roof	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster has been notified by the Lancaster Rural Cemetery Association that it is experiencing financial difficulty and now seeks a contribution from the Town for its operating expenses for the year 2010 in the sum of \$10,000, and

WHEREAS, the Town Board has reviewed this matter and further has discovered that in the event that this not-for-profit organization ceases to exist that the Town of Lancaster would become responsible for the maintenance and upkeep of said cemetery pursuant to Town Law, §291 which would place a significant financial burden on town taxpayers, and

WHEREAS, the Town Board deems it in the public interest to assist the Lancaster Rural Cemetery Association so that not-for-profit organization can continue to operate and maintain the Lancaster Rural Cemetery without this obligation falling to the Town;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor to provide the sum of \$10,000 to the Lancaster Rural Cemetery Association for its continued operation and maintenance of the before-mentioned cemetery. The payments shall be dispersed in two (2) equal amounts of \$5,000 each and be made during the months of May and October in the year 2010.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the Town Line Volunteer Fire Department, Inc., by letters dated
May 3, 2010, has requested the addition of members to the roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the addition to the membership of the Town Line Volunteer Fire Department the following
individuals:

ADDITIONS:

Jacob Smith
Lancaster, New York

Todd M. Czarnecki
Alden, New York

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

File: RFIRE (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster by letter dated May 10, 2010, has requested the Town Board to advertise for bids to furnish six (6) new 2010 Patrol Vehicles and one (1) new 2010 Special Services S.U.V Vehicle for use by the Police Department, and

WHEREAS, the Public Safety Committee of the Town Board has approved such request;

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders and/or Automobile Dealers, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on May 28, 2010 at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of six (6) new 2010 Patrol Vehicles and one (1) Special Services S.U.V Vehicle for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
AND/OR
AUTOMOBILE DEALERS**

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 28th day of May 2010, for furnishing six (6) new 2010 Patrol Vehicles and one (1) Special Services S.U.V Vehicle for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
Town Clerk**

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, Wm. Schutt & Associates, P.C., 37 Central Avenue, Lancaster, New York, as Engineer for the Town Hall Expansion/Addition for the Town of Lancaster, has submitted Change Order No. P-1 in the amount of \$5,000 to the Town Board for their approval, based on the addendum descriptions of additional work to be performed previously provided to the Town Board;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves Change Order No. P-1 to Aurora Plumbing Company, Inc. to: Addendum one (1) as outlined on the descriptions previously provided to the Town Board:

DESCRIPTION OF CHANGE ORDER NO. P-1:

Additional compensation for the installation of a new water heater to service Town Hall and the new addition and relocation of piping in the elevator machine room to accommodate the installation of the new motor to operate the new elevator to be installed in the existing elevator shaft.

CHANGE ORDER NO. P-1:

The original Contingency Allowance was	\$5,000.00
The Contingency Allowance Sum will be increased by this Change Order in the amount of	5,000.00
The new Contingency Allowance Sum increased to including this Change Order will be	\$10,000.00

and,

BE IT FURTHER

RESOLVED, that the Supervisor be and is hereby authorized to execute this Change Order on behalf of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Town of Lancaster has been engaged with the New York State **Office of Real Property Services (ORPS)** to conduct a 2011 Assessment Equity project, and

WHEREAS, the objective of the project is to maintain Assessments at a Uniform Percentage of Value (100%), and that all properties be analyzed and reviewed in a systematic process, and

WHEREAS, **ORPS** has requested the Town Of Lancaster to enter into a Memorandum of Understanding that ensures the Town follows the process that a Uniform Level of Assessment has been achieved and all steps to attain and sustain equity have been implemented, and

WHEREAS, the Town of Lancaster will receive assistance from **ORPS** to achieve these goals and determine if applicable State Aid will be paid as long as the **ORPS** Guidelines in the Memorandum are followed;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby authorizes the Supervisor of the Town of Lancaster to execute a new Memorandum of Understanding with the New York State Office of Real Property Services for the 2011 Re-Assessment project effective July 1, 2010 thru June 30, 2011.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA , WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief by letter dated May 10, 2010, has requested the appointment of four (4) seasonal employees in the Parks, Recreation and Forestry Department of the Town of Lancaster for the Summer season of 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the following four (4) individuals are hereby appointed to the position of seasonal employees for the Summer season of 2010 in the Parks, Recreation and Forestry Department of the Town of Lancaster, with no benefits at the following hourly rate:

<u>NAME</u>	<u>POSITION</u>	<u>RATE/HOUR</u>
Eric Herdzik (rehire hire) Lancaster, NY	Laborer	\$7.25
Jena Abati (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25
Gina Gaca (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25
Brittany Nowak (new hire) Lancaster, NY	Recreation Attendant (Playground Attendant)	\$7.25

BE IT FURTHER,

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the U.S. Department of Justice, Office of Justice Programs provides grant monies to offset a portion of costs associated with the purchase of bullet-proof vests for sworn police officers, and

WHEREAS, the Town of Lancaster Police Department seeks funding to acquire twenty-four (24) regular duty vests at an approximate cost of \$14,880, (\$620 each), and

WHEREAS, the grant will provide up to 50% reimbursement for monies to be expended to purchase these items, and

WHEREAS, all applications must be completed electronically on-line,

NOW THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to extend authorization to Grantmakers Advantage, Inc., the Town’s grant consultant, to complete the grant application on-line for the purpose of securing these grant monies.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Engineer, Wm. Schutt & Associates, P.C. has been engaged to undertake the performance of services associated with the design, general services during construction and resident project representation for the Town-wide Water System Improvement Project in the Town of Lancaster, and

WHEREAS, the Town Board has given due consideration to the request made by Wm. Schutt & Associates, P.C. for additional compensation on time and expense tasks beyond the existing limit in the contract for services with the Town and deems it in the public interest to continue with the engagement of Wm. Schutt & Associates, P.C. for the professional services as proposed;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes an increase in the total compensation in the amount of \$40,000 to Wm. Schutt & Associates, P.C. to continue providing engineering services associated with project management and resident project representation for the Town-wide Water System Improvement Project.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Wm. Schutt & Associates, P.C. has proposed to undertake the performance of services associated with the design, general services during construction and resident project representative for the installation of 4,400 LF of water main located on Penora Street between William Street and Como Park Boulevard in the Town of Lancaster, and

WHEREAS, the Town desires to undertake the necessary engineering service to enable the Town to invite public bid for the construction of the before mentioned 4,400 LF of water main in an expeditious manner since the Erie County DPW Division of Highway is scheduled to reconstruct Penora Street while at the same time the Erie County Water Authority desires to eliminate frequent shutdowns due to waterline repairs on Penora Street, and

WHEREAS, the Town Board has given due consideration to the proposal made by Wm. Schutt & Associates, P.C. to undertake this additional task for the Town beyond the general engineering consultants contract for services with the Town and deems it in the public interest to move forward with the engagement of Wm. Schutt & Associates, P.C. for the professional services as proposed;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into a contract with Wm. Schutt & Associates, P.C. to provide engineering services associated with the design, general services during construction and resident project representation for the invitation to bid and construction of 4,400 LF of water main located on Penora Street in the Town of Lancaster at a total fee as described in the May 3, 2010 proposal of Wm. Schutt & Associates, P.C. for a sum not to exceed \$86,800.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AQUINO, TO WIT:

WHEREAS, the Town Board has previously duly advertised for bids for one (1) new and unused Brush Blazer Model TBB-3000 Mower for use by the Parks Department, and

WHEREAS, bids were received, opened and reviewed on May 13, 2010, and

WHEREAS, the General Crew Chief by letter dated May 13, 2010 has recommended, after considerable review of all bids, an award to PECO Inc., 100 Airport Road, Arden, North Carolina 28704-8513 in the amount of \$10,635;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby awards the bid for one (1) new and unused Brush Blazer Model TBB-3000 Mower for use by the Parks Department to PECO Inc., 100 Airport Road, Arden, North Carolina 28704-8513 in the amount of \$10,635 in conformance with the specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster, by letter dated May 13, 2010, has requested authorization to allow one (1) SWAT team member from the Lancaster Police Department to attend the Instructor Level, Less Lethal Training Certification Course to be held on June 7, 2010 from 8:00 A.M. to 4:00 P.M. at the Tonawanda Police Department Range, Tonawanda, New York. The total cost for this course is \$895, and

WHEREAS, attendance at this course will enable the student to continue in-service training for the Lancaster Police Department by providing both tactical and technical information needed for effective product use.

NOW, THEREFORE, BE IT

RESOLVED, that the Chief of Police of the Town of Lancaster is hereby authorized to allow one (1) SWAT team member of the Lancaster Police Department to attend the Instructor Level, Less Lethal Training Certification Course to be held on June 7, 2010, from 8:00 A.M. to 4:00 P.M. at the Tonawanda Police Department Range, Tonawanda, New York.

BE IT FURTHER

 RESOLVED, that the total cost for the above-mentioned course is hereby authorized in an amount not to exceed \$895, and that said reimbursement will be made only upon submission of proper documentation and substantiation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Jeffrey Loeffler (J. Kozel & Son, Inc.), 1150 Scottsville Road, Rochester, New York 14624, has submitted a site plan, dated December 16, 2009 and received April 14, 2010 for the proposed construction of a 6,000 sq. ft addition to the Tool Ranch Building located at 3857 Walden Avenue in the Town of Lancaster, and

WHEREAS, the site plan for this project was submitted to the Planning Board for their review and consideration, and

WHEREAS, a SEQR Review of this project was held April 19, 2010 and a negative declaration was issued at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the site plan submitted by **Jeffrey Loeffler (J. Kozel & Son, Inc.),** 1150 Scottsville Road, Rochester, New York 14624, dated December 16, 2009 and received April 14, 2010 for the proposed construction of a 6,000 sq. ft addition to the Tool Ranch Building located at 3857 Walden Avenue in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

May 17, 2010

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AQUINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, a Public Hearing was held on the 15th day of June, 2009, regarding the petition of **81 & 3 of Florida**, for the rezone of certain property located at 0 Transit Road, north of William Street, in the Town of Lancaster, New York from a General Business (GB) to Multi-Family Residential District Four (MFR-4), and

WHEREAS, the Planning Board of the Town of Lancaster at its meeting held May 20, 2009, recommended approval of the rezone, and

WHEREAS, a SEQR review was completed on the proposed rezone and project on July 20, 2009, and a Negative Declaration issued, and

WHEREAS, a Notice of said Hearing has been duly published and posted, and

WHEREAS, in accordance with Section 239 (m) of the General Municipal Law of the State of New York, the Erie County Department of Planning has reviewed such application for rezone and has no objection with respect thereto;

NOW THEREFORE, BE IT

RESOLVED, as follows:

1. That the Zoning Ordinance and Zoning Map of the Town of Lancaster is hereby amended and changed so that the real property hereinafter described is changed from a General Business (GB) to Multi-Family Residential District Four (MFR-4):

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot No. 94 Township 10, Range 6 of the Buffalo Creek Reservation, and more particularly described as follows:

Commencing at a point on the south line of Lot 94 and the centerline of William Street (width varies), said point being 1117.56 feet easterly of the southwest corner of Lot 94 as measured along the south line of Lot 94;

Thence N 00°-06'-17" E, a distance of 1156.86 feet to the POINT OF BEGINNING;

Thence N 89°-53'-43" W, a distance of 526.78 feet to a point of curve;

Thence along a curve to the right having a radius of 25.00 feet, an arc distance of 39.27 feet to a point of tangent;

Thence N-00°-06'-17" E, a distance of 139.92 feet to a point;

Thence N-89°-46'-47"-E, a distance of 57.30 feet to a point;

Thence N-00°-06'-17"-E, a distance of 575.96 feet to a point;
Thence N-89°-30'-54"-E, a distance of 494.50 feet to a point;
Thence S-00°-06'-17"-E, a distance of 746.30 feet to the POINT OF BEGINNING;
Containing 8.66 more or less acres.

2. That said Ordinance Amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on the 17th day of May, 2010 with the following conditions:

- a. That the number of units shall not exceed ninety-two (92).
- b. That there will be no roadway access from or to Transit Boulevard.
- c. That fencing and a berm shall be constructed on the east side of the subject property thereby extending the fence and berm which will be constructed by Walmart. This fence and berm shall run in a north/south direction and extend to a point past the northern most building of the Northwood Complex to the east. The fence and berm shall be of the same size and style as that of the Walmart property to the south.

3. That a certified copy thereof be published in the Lancaster Bee, on or before the 20th day of May, 2010;

4. That Affidavits of Publication be filed with the Town Clerk; and

5. That a certified copy of this resolution be furnished to the Erie County Department of Planning.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AQUINO	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED NO
COUNCIL MEMBER STEMPNIAK	VOTED NO
SUPERVISOR GIZA	VOTED YES

May 17, 2010

LEGAL NOTICE
NOTICE OF ADOPTION OF AMENDMENT
ZONING ORDINANCE, TOWN OF LANCASTER
81 & 3 OF FLORIDA
0 TRANSIT ROAD NORTH OF WILLIAM STREET

LEGAL NOTICE IS HEREBY GIVEN that the Zoning Ordinance of the Town of Lancaster is hereby amended and the Zoning Map of the said Town is hereby changed so that the real property hereinafter described is changed from a General Business (GB) to Multi-Family Residential District Four (MFR-4):

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Lancaster, County of Erie, State of New York, being part of Lot No. 94 Township 10, Range 6 of the Buffalo Creek Reservation, and more particularly described as follows:

Commencing at a point on the south line of Lot 94 and the centerline of William Street (width varies), said point being 1117.56 feet easterly of the southwest corner of Lot 94 as measured along the south line of Lot 94;

Thence N 00°-06'-17" E, a distance of 1156.86 feet to the POINT OF BEGINNING;

Thence N 89°-53'-43" W, a distance of 526.78 feet to a point of curve;

Thence along a curve to the right having a radius of 25.00 feet, an arc distance of 39.27 feet to a point of tangent;

Thence N-00°-06'-17" E, a distance of 139.92 feet to a point;

Thence N-89°-46'-47"-E, a distance of 57.30 feet to a point;

Thence N-00°-06'-17"-E, a distance of 575.96 feet to a point;

Thence N-89°-30'-54"-E, a distance of 494.50 feet to a point;

Thence S-00°-06'-17"-E, a distance of 746.30 feet to the POINT OF BEGINNING;

Containing 8.66 more or less acres.

May 17, 2010

STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :

THIS IS TO CERTIFY that I, Johanna M. Coleman, Town Clerk of the Town of Lancaster, in said County of Erie, have compared the foregoing copy of an Ordinance on the 17th day of May 2010 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto signed my hand and affixed the Seal of said Town this 17th day of May, 2010.

(S E A L)

Johanna M. Coleman, Town Clerk

COMMUNICATIONS & REPORTS

191. Concerned Residents to Town Board -
Letters regarding business operations at 171 Schwartz Road. DISPOSITION = Received & Filed
192. Heritage Preservation & Interpretation Inc. to Kulback's Construction -
Letter regarding archeological studies at the site of the proposed Buffalo Filter, 5872 Genesee Street at Gunnville Road. DISPOSITION = Planning Committee
193. Time Warner Cable to Supervisor -
Notification of cable television developments within the town. DISPOSITION = Received & Filed
194. Town Clerk to Town Board -
Transmittal of third settlement payment to Erie County for 2010 County/Town Tax Warrant. DISPOSITION = Received & Filed
195. NYS DEC to Town Attorney -
Notice of lead agency designation regarding proposed Buffalo Filter, 5872 Genesee Street; comment noted. DISPOSITION = Planning Committee
196. Town Clerk to Town Board -
Monthly report for April 2010. DISPOSITION = Received & Filed
197. Town Line Fire Department to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 5/17/10
198. Town Line Fire Department to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 5/17/10
199. Erie County Department of Environment and Planning to Town Clerk -
Notice of a zoning and planning training session to be held Wednesday, June 16, 2010 at Niagara County Community College. DISPOSITION = Received & Filed
200. Erie County Department of Environment and Planning to Town Clerk -
Details of zoning and planning training session to be held Wednesday, June 16, 2010 at Niagara County Community College. DISPOSITION = Received & Filed
201. Walter J. Powell, Kathleen L. Brown to Town Board -
Letter regarding business operations at 171 Schwartz Road. DISPOSITION = Received & Filed
202. Erie County Department of Health to Supervisor -
Letter regarding the county "Project SWAT: Mosquito Larvicide 'Cost Share' program for mosquito control. DISPOSITION = Crew Chief Parks & Recreation
203. Planning Board to Town Board -
Recommend approval of revised site plan for proposed Urgent Care Facility, 4827 Transit Road; conditions noted. DISPOSITION = Planning Committee
204. Planning Board to Town Board -
Recommend approval of site plan for Buffalo Filter Inc., 5872 Genesee Street; conditions noted. DISPOSITION = Planning Committee
205. Planning Board to Town Board -
Recommend approval of sketch plan for Prairie Landing Subdivision, north of Affordable Senior Housing; conditions noted. DISPOSITION = Planning Committee
206. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Town Attorney, Highway Superintendent, Building Inspector -
Draft copy of minutes of meeting held May 5, 2010. DISPOSITION = Received & Filed

207. Wm. Schutt & Associates, P.C. to Town Board -
Request for resolution increasing contingency allowance for Aurora Plumbing Company regarding the Town Hall Expansion/Addition project. DISPOSITION = Resolution 5/17/10
208. Erie County Department of Public Works to Town Board -
Notice of closure of Townline Road between Walden Avenue and Westwood Road from Sunday, May 16, 6:00 AM through Tuesday, May 18, 6:00 PM for repair of the railroad crossing. DISPOSITION = Received & Filed
209. General Crew Chief to Supervisor -
Request resolution to hire summer seasonal employees. DISPOSITION = Resolution 5/17/10
210. Richard J. Koch to Town Board -
Request for renewal of special use permit for CPA business at 60 Michael's Walk. DISPOSITION = Building Inspector
211. Mary Jane Sledz to Supervisor -
Letter regarding safety concern on Newberry Lane. DISPOSITION = Police Chief
212. General Crew Chief to Supervisor -
Request for resolution to award bid for Brush Blazer Mower to PECO, Inc., the apparent low bidder. DISPOSITION = Resolution 5/17/10
213. Building Inspector to Planning Board -
Letter regarding review of NYS Office of Parks, Recreation and Historic Preservation for SEQR of proposed Tool Ranch addition, 3857 Walden Avenue. DISPOSITION = Planning Committee
214. Chief of Police to Supervisor -
Request for resolution to authorize attendance of one (1) SWAT team member to Instructor Level, Less Lethal Training Certification Course, June 17, 2010 at Tonawanda N.Y. DISPOSITION = Resolution 5/17/10

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER ABRAHAM AND CARRIED, the meeting was adjourned at 9:31 P.M.

Signed _____

Johanna M. Coleman, Town Clerk